

(for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

**SEC. 115. HOV FACILITIES EXCEPTION FOR ACTIVE TRAFFIC MANAGEMENT STRATEGIES.**

Section 166(b) of title 23, United States Code (as amended by section 11527), is amended—

(1) in paragraph (1), by striking “through (5)” and inserting “through (7)”; and

(2) by adding at the end the following:

“(7) ACTIVE TRAFFIC MANAGEMENT STRATEGIES.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ACTIVE TRAFFIC MANAGEMENT.—The term ‘active traffic management’ means the ability—

“(I) dynamically to manage traffic congestion based on prevailing and predicted traffic conditions; and

“(II) to maximize the effectiveness and efficiency of a HOV facility with respect to trip reliability.

“(ii) ACTIVE TRAFFIC MANAGEMENT STRATEGY.—The term ‘active traffic management strategy’ means a strategy implemented for purposes of active traffic management, including—

“(I) speed advisory controls;

“(II) dynamic lane assignment;

“(III) dynamic hard shoulder running; and

“(IV) adaptive ramp metering.

“(B) EXCEPTION.—A public authority operating a HOV facility may implement 1 or more active traffic management strategies to replace the HOV facility in any case in which, as determined by the public authority, research and analysis demonstrate that the active traffic management strategy will result in—

“(i) an improvement in overall safety; and

“(ii) reduction in traffic congestion.”.

**SA 2324.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, add the following:

**TITLE XII—CERTS ACT FUNDING**

**SEC. 71201. REALLOCATION OF FUNDING FOR CERTS ACT.**

Notwithstanding any other provision of this Act (or an amendment made by this Act), the following amounts shall be reallocated to carry out the Coronavirus Economic Relief for Transportation Services Act (subtitle B of title IV of division N of Public Law 116-260; 134 Stat. 1182):

(1) \$2,000,000,000 of the total amount authorized to be appropriated for Northeast Corridor grants under section 22101(a).

(2) \$1,000,000,000 of the total amount authorized to be appropriated for National Network grants under section 22101(b).

(3) \$1,000,000,000 of the total amount authorized to be appropriated for transit infra-

structure grants of the Federal Transit Administration under title VIII of division J.

(4) \$500,000,000 of the total amount authorized to be appropriated to carry out the clean school bus program under subsection (f) of section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) (as amended by section 71101).

(5) \$500,000,000 of the total amount authorized to be appropriated to carry out the electric or low-emitting ferry pilot program under section 71102(d).

**SA 2325.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, add the following:

**TITLE XII—FEDERALLY FUNDED PROJECTS AND ACTIVITIES NOT IN METROPOLITAN STATISTICAL AREAS**

**SEC. 71201. FEDERALLY FUNDED PROJECTS AND ACTIVITIES NOT IN METROPOLITAN STATISTICAL AREAS.**

Notwithstanding any other provision of law, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and division A of subtitle III of title 54, United States Code (formerly known as the “National Historic Preservation Act”), shall not apply to any project or activity that—

(1) is not located in a metropolitan statistical area (as defined by the Office of Management and Budget); and

(2) is carried out using Federal funds.

**SA 2326.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. \_\_\_\_ . APPLICATION OF NEPA AND NHPA TO COVERED PROJECTS.**

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) COMMUNICATIONS FACILITY.—The term “communications facility” includes—

(A) any wireless or wireline infrastructure for the transmission of writing, signs, signals, data, images, pictures, or sounds of all kinds;

(B) any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the provision of communications services; and

(C) any antenna or apparatus that—

(i) is designed for the purpose of emitting radio frequency;

(ii) is designed to be operated, or is operated, from a fixed location; and

(iii) is added to a tower, building, or other structure.

(3) COMMUNICATIONS SERVICE.—The term “communications service” means a service for the transmission of writing, signs, signals, data, images, pictures, or sounds of all kinds.

(4) COVERED PROJECT.—The term “covered project” means a project that—

(A) is to be carried out within an area for which the President has declared a major disaster or an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(B) is to be carried out not later than 5 years after the date on which the President made the declaration; and

(C)(i) replaces a communications facility damaged by the disaster or emergency; or

(ii) makes improvements to a communications facility—

(I) that could reasonably be considered as necessary for recovery from the disaster or emergency; or

(II) to prevent or mitigate damage to the communications facility from a future disaster or emergency.

(b) NEPA CONSIDERATIONS.—The Commission shall treat a covered project as a class of action categorically excluded under section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation), from any requirement to prepare an environmental assessment or environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) NATIONAL HISTORIC PRESERVATION CONSIDERATIONS.—Section 306108 of title 54, United States Code, shall not apply with respect to a covered project—

(1) for which the Commission is required to issue a permit; or

(2) that is otherwise subject to the jurisdiction of the Commission.

**SA 2327.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2058, line 14, insert before “from eligibility” the following: “, except for municipal broadband providers that are prohibited by State law from offering broadband service in the applicable jurisdiction,”.

**SA 2328.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2053, strike lines 12 through 16 and insert the following:

of such individuals; and

(5) broadband adoption, including programs to provide affordable internet-capable devices.